

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27, and 29-44 are pending in this application. Claims 37-44 are added by the present response. Claims 1, 5, 7, 9, 13, 15, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,341,154 to Bird, U.S. patent 6,029,076 to Fiddian-Green et al. (herein "Fiddian-Green"), U.S. patent 6,313,851 to Matthews, III et al. (herein "Matthews"), and further in view of U.S. patent 5,208,736 to Crooks et al. (herein "Crooks"). Claims 8, 16, 17, 21, 24, 25, 29, 31, 33, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Fiddian-Green, Matthews, Crooks, and further in view of U.S. patent 6,552,738 to Lin et al. (herein "Lin"). Claims 3, 6, 11, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Fiddian-Green, Matthews, Crooks, and further in view of U.S. patent Des. 409,583 to Nishida et al. (herein "Nishida"). Claims 19, 22, 27, 30, 32, 34, and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Fiddian-Green, Matthews, Crooks, Nishida, and further in view of Lin.

Addressing each of the above-noted rejections, those rejections are traversed by the present response.

The claims clarify a structure of the position of the first and second operating unit and means in a condition in which a back surface of the display body is close to the main body, e.g. in a photographing mode. Specifically, claim 1 now recites that in such a condition "the second operating means is positioned on an opposite side of the display screen as the first operating means"; the other independent claims recite similar features. Such subject matter is fully supported by the original specification for example in Figures 7C and 7D. In the operation shown in those figures the second operating device, e.g. the control dial 32, is on an opposite side of the display screen as the first operating device, e.g. the control buttons B1-

B4. With such a structure, the claimed invention allows a simple operation by a user of the first and second operating devices of the computer with his or her fingers as he or she holds the computer with both hands.

Such a structure in the claims clearly differs from the teachings in the applied art.

Specifically, Bird shows in Figure 5 the condition in which the back surface of the display screen is close to the main body, and it is clear in that Figure 5 in Bird that no second control is positioned on an opposite side of a display screen as a first control. As a result, in the device of Bird a user has to hold the device with one hand and then operate the stylus or track ball with another hand. Such a structure in Bird does not allow a simple operation of two different control elements while an operator can still hold a computer with his or her hands. Thus, Bird clearly differs from the claims as currently written.

Applicants also note the outstanding rejection is based on combining isolated teachings in each of the noted references in a manner that appears clearly designed merely to recreate applicants' invention, without a basis for combining the isolated teachings. Stated another way, the applicants of the present invention recognized that an enhanced device can be realized with the positioning and use of the first and second operating units. With the claimed structure, even if a display screen is close to a keyboard, an operator can still properly and efficiently utilize the claimed device. None of the applied art teach or suggest such combinations of features. It is only the applicants of the present invention that recognized such benefits in the claimed structure to realize such benefits. The taking of the isolated teachings in the applied art does not teach or suggest the claimed features and would not have been suggested in the manner relied upon in the Office Action.

Moreover, no teachings in the further cited references are believed to overcome the above-noted deficiencies of Bird.

The present response also sets forth new dependent Claims 37-44 for examination, which are believed to further distinguish over the applied art. New dependent Claim 37 further recites:

wherein said first operating means includes a set of operating buttons, said second operating means includes a control dial, and said set of operating buttons is dedicated for only displaying of the system menu showing processing items.

The other new dependent Claims 38-44 recites similar limitations. Such features are believed to further distinguish over the applied art.

The above-noted features are fully supported by the original claims and also in Figure 2 as a non-limiting example. As shown in Figure 2 a dial 32 is provided on the display body but outside of the display screen and operates independently of contact with the display screen. That is, the dial 32 does not require any element to contact the display screen 31 to operate. Further, in Figure 2 the set of buttons B1-B4 is provided outside of the display body. Further, that set of buttons B1-B4 is dedicated only for displaying the system menu showing processing items. That is, those buttons B1-B4 do not have any other operations, which is believed to be clear from the original disclosure.

The outstanding rejection appears to rely on the numeric keypad 40 in Bird to correspond to the above-noted claimed "set of operating buttons" and to rely on the track ball or sphere assembly 50 in Bird to correspond to the now claimed "control dial". In that respect applicants first note Bird further clearly differs from new claims 37-44 as currently written. In those claims as currently written a set of dedicated buttons is provided to display a system menu showing processing items. Clearly the numeric keypad 40 in Bird does not provide such a function, at the very least because that numeric keypad 40 is used for varying and different operations rather than displaying a system menu showing processing items. Further, clearly the track ball in Bird differs from the further noted claimed features as that track ball

is not a dial, and is not provided on a displayed body but outside of and operating independently of contact with the display screen.

One basis for the outstanding rejection now cites Fiddian-Green to disclose utilizing a computer keypad for selecting operation modes for a menu of a computer. In that respect applicants first note such a keypad in Fiddian-Green does not correspond to the claimed “set of operating buttons” which are dedicated for only controlling displaying a system menu showing processing items. Thus, Fiddian-Green cannot overcome the above-noted deficiencies of Bird which respect to that claim feature.

Further, with respect to the teachings in Matthews, Matthews does not disclose or suggest the claimed “dial”, and particularly where the dial has an operation “for selecting a processing item to be executed from said system menu”. In the claimed invention the dial operates to control a selection of one of processing items displayed based on an operation of the dedicated set of operating buttons. Matthews clearly fails to teach or suggest such features, and thus no combination of teachings of Matthews with Bird and Fiddian-Green would teach or suggest features. Again, Matthews also does not even disclose or suggest the use of a dial.

Further, the teachings in Crooks are merely directed to embedding a track ball into a display, but such teachings in Crooks cannot overcome the above-noted deficiencies of Bird, Fiddian-Green and Matthews, and applicants also note that Crooks clearly does not disclose or suggest the use of a dial.

One basis in the outstanding rejections also cites the teachings in Nishida with respect to a dial and states “[n]ote, in reference to claim 14, the office interprets the sphere functionally equivalent to the dial of applicant’s claim”.<sup>1</sup>

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<sup>1</sup> Office Action of September 29, 2004, page 10, last sentence of prenumbered paragraph 4.

In that respect, applicants note Nishida does not disclose or suggest the claimed dial that is part of a display screen, and thus no combination of teachings of Nishida in view of Bird, Fiddian-Green, Matthews, and Crooks would render obvious all the claim limitations. In that respect, applicants also note that if one of ordinary skill in the art was to combine the teachings of Nishida with the teachings in Bird, Fiddian-Green, Matthews, and Crooks, then one of ordinary skill in the art would use a track ball in Nishida outside of a display body as that is what Nishida teaches. It is unclear how the outstanding Office Action would otherwise take an isolated teaching in Nishida to combine with the teachings in the other noted references.

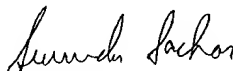
Stated another way, Nishida discloses a structure contrary to the claimed features in that Nishida discloses a track ball as attached to a keyboard. In that respect, the sphere in Nishida is not at all even similar to the “control dial” of the claims, which is “provided on the display body but outside of and operating independently of contact with said display screen”. One of ordinary skill in the art would not take only isolated teachings from Nishida and combine such with the teachings in Bird, Fiddian-Green, Matthews, and Crooks and arrive at the claimed invention.

In view of these foregoing comments, applicants respectfully submit new claims 37-44 even further distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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